



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 6652-99

18 November 1999

M [REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your requests to modify the records of the Federal Bureau of Investigation by removing reference to your special court-martial (SPCM) conviction, and to correct your naval record by removing your SPCM conviction were not considered, because the Board for Correction of Naval Records does not have the authority to accomplish these matters. Your SPCM sentence was reviewed for clemency only.

A three-member panel of the Board, sitting in executive session, considered your application on 17 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. They found that on 19 June 1959, a SPCM found you guilty of assault, assault with a knife, fighting, and absence from your appointed place of duty. Your sentence, as modified by the convening authority, was confinement at hard labor for three months, forfeiture of \$57.00 per month for three months, and reduction from pay grade E-3 to pay grade E-2. The Board found that this sentence was not overly harsh considering the seriousness of your offenses, and particularly in light of your nonjudicial punishment on 18 April 1959 for violation of a lawful order by smoking during ammunition loading in an unauthorized space and disrespect to a senior officer. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and

material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director